

REFERENCE TITLE: omnibus agriculture act of 2006

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1103

Introduced by
Senators Arzberger, Aguirre, Cannell, Hale, Miranda, Mitchell, Rios;
Representatives Alvarez, Landrum Taylor, O'Halleran: Senators Aboud,
Flake, Garcia, Gray; Representative Lujan

AN ACT

AMENDING SECTIONS 3-144, 3-233, 3-341, 3-351, 3-352, 3-354, 3-582, 3-1201,
3-1203, 3-1207, 3-1208, 3-1265 AND 41-191.09, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA DEPARTMENT OF AGRICULTURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-144, Arizona Revised Statutes, is amended to
3 read:

4 3-144. State agricultural laboratory: maintenance and purpose:
5 fees

6 A. The state agricultural laboratory is established and maintained to
7 carry out this article and for laboratory examinations, diagnosis, analysis,
8 testing, quantifying and identification necessary to perform the functions
9 and duties prescribed by this article.

10 B. The state agricultural laboratory may accept samples from any
11 person for regulatory, DIAGNOSTIC and research purposes.

12 C. THE STATE AGRICULTURAL LABORATORY MAY COLLECT FEES FOR LABORATORY
13 SERVICES AS PRESCRIBED BY THE DIRECTOR.

14 Sec. 2. Section 3-233, Arizona Revised Statutes, is amended to read:

15 3-233. Powers and duties; fees; penalty

16 A. For the purpose of carrying out this article, the director may:

17 1. In order to have access to seeds and the records pertaining to
18 seeds subject to this article and the rules adopted under this article, enter
19 upon:

20 (a) Any established plant, warehouse or place of business during
21 customary business hours.

22 (b) Any truck or other conveyance operated on land, on water or in the
23 air on probable cause or reasonable suspicion to believe that a violation of
24 this article has occurred.

25 2. Issue and enforce a written cease and desist order to the owner or
26 custodian of any lot of agricultural, vegetable or ornamental plant seed
27 which the director finds is in violation of this article, as provided in
28 section 3-238, and any lot or lots of seed sold, or transported for sale,
29 which do not meet all requirements of the plant variety protection act (P.L.
30 91-577; 84 Stat. 1542; 7 United States Code sections 2321 through 2582).

31 3. Provide through the state agricultural laboratory for seed testing
32 facilities, employ qualified persons and incur expenses necessary to comply
33 with this article.

34 4. Through the state agricultural laboratory:

35 (a) Provide for making purity, ~~and~~ germination, NOXIOUS WEED,
36 TETRAZOLIUM AND PATHOLOGY tests of seeds for farmers and dealers on request
37 pursuant to rules prescribed by the director governing such testing.

38 (b) Collect charges for the tests as prescribed by the director.

39 5. Cooperate with the United States department of agriculture and
40 other agencies in seed law enforcement.

41 6. Revoke, suspend, restrict, deny or choose not to renew a license
42 issued under this article or fix periods and terms of probation for a license
43 holder after a hearing at which the license holder is found by a
44 preponderance of the evidence to have violated this article or any of the
45 rules adopted under this article.

1 7. Establish by rule fees that are sufficient to cover the costs of
2 interstate and international exportation inspection activities under section
3 3-232, subsection A, paragraph 1, but annually not more than one dollar fifty
4 cents per acre. Monies received under this paragraph shall be deposited in
5 the seed law fund pursuant to section 3-234.

6 B. For **THE** purposes of this article, the director, after an
7 opportunity for a hearing, shall establish and collect the following fees:

8 1. For a seed dealer's license, not more than fifty dollars per year.

9 2. For a labeler's license, not more than five hundred dollars
10 per year.

11 C. The director shall assess a license holder who does not submit the
12 annual license renewal fees to the department by July 1 a penalty of ten per
13 cent of the amount of the license fee per month for not more than three
14 months. Penalties collected under this subsection shall be deposited in the
15 seed law fund pursuant to section 3-234.

16 Sec. 3. Section 3-341, Arizona Revised Statutes, is amended to read:

17 3-341. **Definitions**

18 For the purposes of this article:

19 1. "Active ingredient" means an ingredient ~~which~~ **THAT** will prevent,
20 destroy, repel or mitigate pests, ~~or which~~ **THAT** will act as a plant
21 regulator, defoliant or desiccant.

22 2. "Adulterated" means any pesticide the strength or purity of which
23 falls below the professed standard or quality as expressed on labeling or
24 under which it is sold, or if any substance has been substituted wholly or in
25 part for the article, or if any valuable constituent of the article has been
26 wholly or in part abstracted.

27 3. "Animal" means all vertebrate and invertebrate species, including,
28 but not limited to, humans and other mammals, birds, fish and shellfish.

29 4. "Antidote" means the most practical immediate treatment in case of
30 poisoning and includes first aid treatment.

31 5. "Associate director" means the associate director of the
32 environmental services division.

33 6. "Beneficial insects" means those insects ~~which~~ **THAT**, during their
34 life cycle, are effective pollinators of plants, are parasites or predators
35 of pests or are otherwise beneficial.

36 7. "Defoliant" and "desiccant" means any substance or mixture of
37 substances intended for killing or artificially accelerating the drying of
38 plant tissues, with or without causing abscission.

39 8. "Device" means any instrument or contrivance intended for trapping
40 insects, and includes any instrument or contrivance intended for destroying,
41 repelling or mitigating insects or rodents or destroying, repelling or
42 mitigating fungi or weeds, or such other pests as may be designated by the
43 director, but not including equipment used for the application of pesticides
44 when sold separately therefrom.

1 9. "Distribute" means to offer for sale, hold for sale, sell, ~~OR~~
2 ~~barter, ship or deliver for shipment or receive, deliver or offer to deliver,~~
3 pesticides in this state.

4 10. "Division" means the environmental services division of the Arizona
5 department of agriculture.

6 11. "Fungi" means all non-chlorophyll-bearing thallophytes, that is,
7 all non-chlorophyll-bearing plants of a lower order than mosses and
8 liverworts, as, for example, rusts, smuts, mildews, molds and yeasts, except
9 those on or in living humans or other animals.

10 12. "Inert ingredient" means an ingredient ~~which~~ **THAT** is not an active
11 ingredient.

12 13. "Ingredient statement" means a statement of the name and percentage
13 of each active ingredient, together with the total percentage of the inert
14 ingredients, in the pesticide.

15 14. "Insect" means any of the numerous small invertebrate animals
16 generally having the body more or less obviously segmented, for the most part
17 belonging to the class insecta, comprising six-legged, usually winged forms,
18 as, for example, beetles, bugs, bees and flies, and to other allied classes
19 of arthropods whose members are wingless and usually have more than six legs,
20 as, for example, spiders, mites, ticks, centipedes and wood lice.

21 15. "Label" means the written, printed or graphic matter on, or
22 attached to, the pesticide or device, or the immediate container thereof, and
23 the outside container or wrapper of the retail package, if there is any, of
24 the pesticide or device.

25 16. "Labeling" means all labels and other written, printed or graphic
26 matter:

27 (a) Upon the pesticide or device or any of its containers or wrappers.

28 (b) Accompanying the pesticide or device at any time.

29 (c) To which reference is made on the label or in literature
30 accompanying the pesticide or device, except when accurate, ~~non-misleading~~
31 **NONMISLEADING** reference is made to current official publications of the
32 United States departments of agriculture or interior, the United States
33 public health service, state experiment stations, state agricultural colleges
34 or other similar federal institutions or official agencies of the state or
35 other states authorized by law to conduct research in the field of
36 pesticides.

37 17. "Misbranded" ~~shall apply~~ **APPLIES**:

38 (a) To any pesticide or device if its labeling bears any statement,
39 design or graphic representation relative thereto or to its ingredients ~~which~~
40 **THAT** is false or misleading in any particular.

41 (b) To any pesticide:

42 (i) If it is an imitation of, or is offered for sale under the name
43 of, another pesticide.

(ii) If the labeling accompanying it does not contain directions for use ~~which~~ THAT are necessary and, if complied with, adequate for the protection of the public.

(iii) If the label does not contain a warning or caution statement ~~which~~ THAT may be necessary and, if complied with, adequate to prevent injury to living humans and other vertebrate animals.

(iv) If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package ~~which~~ THAT is presented or displayed under customary conditions of purchase.

(v) If any word, statement or other information required by or under the authority of this article to appear on the labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(vi) If used as directed or in accordance with commonly recognized practice, it is injurious to living humans or other vertebrate animals or vegetation, other than the pest to which it is applied, or to the person applying such pesticide.

18. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematode, including unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts.

19. "Person" means any individual, partnership, association, corporation or organized group of persons whether incorporated or not.

20. "Pest" means:

(a) Any weed, insect, vertebrate pest, nematode, fungus, virus, ~~bacteria~~ BACTERIUM or other pathogenic organisms.

(b) Any other form of terrestrial or aquatic plant or animal life, except virus, ~~bacteria~~ BACTERIUM or other microorganism on or in living humans or other living animals, which the director declares to be a pest for the purpose of enforcement of this article.

21. "Pesticide" means:

(a) Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.

(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

22. "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

1 23. "Registrant" means the person registering any pesticide pursuant to
2 this article.

3 24. "Weed" means any plant ~~which~~ THAT grows where IT IS not wanted.

4 Sec. 4. Section 3-351, Arizona Revised Statutes, is amended to read:

5 3-351. Registration; fee; confidential information

6 A. Every pesticide ~~which is distributed, sold or offered for sale~~
7 ~~within the state or delivered for transportation or transported in intrastate~~
8 ~~commerce or between points within this state through any point outside the~~
9 ~~state~~ THAT IS DISTRIBUTED shall be registered with the division. ~~Through~~
10 ~~1998, the registration expires on December 31 of the year in which the~~
11 ~~registration was made and shall be renewed annually. Beginning in 1999, The~~
12 director may provide by rule for ~~registration~~ REGISTRATIONS having a term of
13 one or more years and may prescribe the date on which registrations expire.

14 B. The registrant shall file with the division a statement including:

15 1. The name and address of the registrant and the name and address of
16 the person whose name will appear on the label, if other than the registrant.

17 2. The name of the pesticide.

18 3. A complete copy of the labeling accompanying the pesticide and a
19 statement of all claims to be made for it including directions for use. IF
20 THE REGISTRANT DISTRIBUTES LABELS IN A LANGUAGE IN ADDITION TO ENGLISH, THE
21 REGISTRANT SHALL PROVIDE A COPY OF BOTH LABELS WITH A SIGNED STATEMENT THAT
22 THE LABEL DIRECTIONS HAVE THE SAME MEANING AND PROVIDE THE SAME USE
23 DIRECTIONS AS ON THE WRITTEN ENGLISH LABEL.

24 4. If requested by the division, a full description of the tests made
25 and the results ~~thereof upon~~ OF THOSE TESTS ON which the claims are based.

26 C. For a renewal of registration: ~~—~~

27 1. A statement shall be required only with respect to information
28 ~~which~~ THAT is different from that furnished when the pesticide was registered
29 or last reregistered.

30 2. IF REQUESTED BY THE DIRECTOR, A COMPLETE COPY OF LABELING SHALL BE
31 SUBMITTED.

32 D. Any person desiring to register under ~~the provisions of~~ this
33 article shall pay to the division a registration fee of one hundred dollars
34 per year for each pesticide. The monies collected from registration fees
35 shall be allocated as follows:

36 1. Twenty-five dollars for each year of the registration term shall be
37 allocated pursuant to section 3-350.

38 2. Seventy-five dollars for each year of the registration term shall
39 be deposited in the water quality assurance revolving fund established by
40 section 49-282.

41 E. All federal, state and county offices shall register without fee
42 all pesticides sold at cost by them.

1 F. If the director deems it necessary in the administration of this
2 article, the director may require the submission of the complete formula of
3 any pesticide or the confidential statement of formula and the analytical
4 methods for the analysis of the active ingredients in the formulation. For
5 any product having a federal registration, the director may request, ~~upon~~ ON
6 reasonable cause, the analytical methods for the analysis of residues of the
7 active ingredients of the pesticide in environmental media provided that this
8 information has been developed by the applicant and submitted to the United
9 States environmental protection agency. Information provided by the
10 applicant pursuant to this section shall be afforded applicable trade secret
11 and confidentiality protections. Other products exempted from federal
12 registration requirements and required to be registered under this section
13 shall be subject to this subsection.

14 G. If it appears to the director that the composition of the article
15 is such as to warrant the proposed claims for it and if the article and its
16 labeling and other material required to be submitted comply with the
17 requirements of section 3-352, the division shall register the article. If
18 the director finds that the pesticide does not warrant the proposed claims,
19 the director may request a full description of the tests conducted and the
20 results of the tests on which the claims are based. If the pesticide or its
21 labeling and other material that are required to be submitted do not comply
22 with this article, the director shall notify the applicant of the manner in
23 which the pesticide, labeling or other material fails to comply with the law
24 to afford the applicant an opportunity to make the necessary corrections. If
25 the applicant does not make the corrections and cannot support the claim on
26 the label, the director may refuse to register the pesticide.

27 H. In submitting data required by this article, the applicant shall
28 clearly mark any portions that are trade secrets or commercial or financial
29 information. The applicant shall identify as confidential information any
30 such marked material and submit it separately from other material required to
31 be submitted under this article. The information shall be kept confidential
32 by the department unless written permission to release the information is
33 granted by the registrant or ~~upon~~ ON order of a court of jurisdiction.

34 I. In order to protect the public, the associate director ~~may~~, after a
35 hearing, MAY cancel the registration of a pesticide. The associate director
36 shall cancel the registration of a pesticide on notification by the director
37 of environmental quality pursuant to section 49-306 or 49-309.

38 J. Notwithstanding any other provision of this article, registration
39 is not required in the case of a pesticide shipped from one plant within the
40 state to another plant within the state operated by the same person.

41 K. A registrant who discontinues distribution of a pesticide shall
42 continue its registration in this state for three years after the
43 discontinuation to allow the remaining product to move through the channels
44 of trade. The registrant shall notify the appropriate entities within the
45 channels of trade of the effective date of the discontinuation.

1 Sec. 5. Section 3-352, Arizona Revised Statutes, is amended to read:
2 3-352. Prohibited acts

3 A. It is unlawful for any person acting independently or as agent to
4 distribute, ~~sell or offer for sale within the state or deliver for~~
5 ~~transportation or transport in intrastate commerce or between points within~~
6 ~~the state through any point outside this state any of the following:~~

7 1. Any pesticide ~~which~~ THAT has not been registered pursuant to ~~the~~
8 ~~provisions of~~ section 3-351, or any pesticide if any of the claims made for
9 it or any of the directions for its use differ in substance from the
10 representations made in connection with its registration, or if the
11 composition of a pesticide differs from its composition as represented in
12 connection with its registration, but at the discretion of the director, a
13 change in the labeling or formula of a pesticide may be made within a
14 registration period without requiring reregistration of the product.

15 2. Any pesticide unless it is in the registrant's or the
16 manufacturer's unbroken immediate container and there is affixed to such
17 container, and to the outside container or wrapper of the retail package, if
18 there is one, through which the required information on the immediate
19 container cannot be clearly read, a label bearing:

20 (a) The name and address of the manufacturer, registrant or person for
21 whom manufactured.

22 (b) The name, brand or trademark under which the article is sold.

23 (c) The net weight or measure of the content subject, however, to such
24 reasonable variations as the state may permit.

25 3. Any pesticide ~~which~~ THAT contains any substance or substances in
26 quantities highly toxic to humans, determined as provided in section 3-343,
27 unless the label bears, in addition to any other matter required by this
28 article:

29 (a) Warning statements or symbols required by regulation.

30 (b) A statement of a practical treatment, first aid or otherwise in
31 case of poisoning by the pesticide.

32 4. Any pesticide ~~which~~ THAT is adulterated or misbranded, or any
33 device ~~which~~ THAT is misbranded.

34 5. Any pesticide the label of which does not contain necessary
35 information, which information the director has prescribed by rule.

36 B. It is unlawful:

37 1. For any person to detach, alter, deface or destroy, wholly or in
38 part, any label or labeling provided for in this article or rules adopted
39 under this article, or to add any substance to, or take any substance from, a
40 pesticide in a manner that may defeat the purposes of this article.

41 2. For any person to use for his own advantage or to reveal, other
42 than to the director or proper officials or employees of the state or to the
43 courts of the state in response to a subpoena, or to physicians, or in
44 emergencies to pharmacists and other qualified persons for use in the

1 preparation of antidotes, any information relative to formulas of products
2 acquired by authority of section 3-351.

3 Sec. 6. Section 3-354, Arizona Revised Statutes, is amended to read:

4 3-354. Cease and desist orders: condemnation and destruction or
5 sale of noncomplying pesticides or devices

6 A. When the director finds from investigation that any pesticide or
7 device being distributed, ~~sold or offered for sale within this state~~ or
8 delivered for transportation or transported in intrastate commerce or between
9 points within the state through any point outside this state does not meet
10 the requirements of this article as follows, the director may take the action
11 prescribed by subsection B of this section:

12 1. In the case of a pesticide:

13 (a) If it is adulterated or misbranded.

14 (b) If it has not been registered, **IF NECESSARY**, under ~~the provisions~~
15 ~~of~~ section 3-351.

16 (c) If it fails to bear on its label the information required by ~~this~~
17 ~~article~~ **LAW**.

18 (d) If it is a white powder pesticide and is not colored as required
19 under this article.

20 2. In the case of a device, if it is misbranded.

21 B. Upon the discovery of any of the facts set forth in subsection A of
22 this section:

23 1. The director may serve the person violating ~~any provisions of~~ this
24 article with a cease and desist order requiring the person, on receiving the
25 notice, to immediately cease and desist the violation. The order shall be
26 served by any method of service authorized by the Arizona rules of civil
27 procedure.

28 2. The department may issue and serve a written cease and desist order
29 ~~upon~~ **ON** the owner or custodian of any pesticide or device found to be in
30 violation of this article. The pesticide or device shall not be sold, used
31 or removed until ~~the provisions of~~ this article ~~have~~ **HAS** been complied with
32 and the pesticide or device has been released in writing by the director or
33 the violation has been otherwise disposed of as provided in this article by a
34 court of competent jurisdiction.

35 3. If the director discovers any pesticide or device ~~which~~ **THAT** is in
36 violation of this article, and the owner or custodian is not available for
37 service of the order, the director may attach the order to the pesticide or
38 device and the pesticide or device shall not be sold, used or removed until
39 ~~the provisions of~~ this article ~~have~~ **HAS** been complied with and the pesticide
40 or device has been released in writing by the director or the violation has
41 been otherwise disposed of as provided in this article by a court of
42 competent jurisdiction.

43 C. After a cease and desist order is served on any person, either that
44 person or the director may file an action in the superior court in the county
45 in which a violation of this article is alleged to have occurred for an

1 adjudication of the alleged violation. The court may issue temporary or
2 permanent injunctions, mandatory or restraining, and intermediate orders it
3 deems necessary or advisable. The court may order condemnation of any
4 pesticide or device ~~which~~ THAT does not meet the requirements of this
5 article. The action shall be tried de novo.

6 D. If the article is condemned, it shall ~~BE DISPOSED OF~~, after entry
7 of decree, ~~be disposed of~~ by destruction or sale as the court directs, and
8 the proceeds, if the article is sold, less legal costs, shall be paid into
9 the pesticide fund. ~~Upon~~ ON payment of costs and execution and delivery of a
10 good and sufficient bond conditioned so that the article shall not be
11 disposed of unlawfully, the court may direct that the article be delivered to
12 the owner of the article for relabeling or reprocessing as the case may be.

13 E. When a decree of condemnation is entered against the article, court
14 costs, fees and storage and other proper expenses shall be awarded against
15 the person, if any, intervening as claimant of the article.

16 Sec. 7. Section 3-582, Arizona Revised Statutes, is amended to read:

17 3-582. Arizona grain research and promotion council;
18 appointment; term

19 A. An Arizona grain research and promotion council is established
20 ~~which~~ THAT is composed of ~~nine~~ SEVEN producers appointed by the governor. To
21 be qualified for appointment to council membership a person must be a
22 resident of and producer in this state.

23 B. The term of office of council members is three years, expiring on
24 January 31. The qualifications of members as provided for in this section
25 must continue during their term of office or their office will be declared
26 vacant. The governor shall appoint a person when a vacancy occurs to serve
27 for the remainder of the unexpired term.

28 C. Members of the council shall serve without compensation but are
29 entitled to reimbursement for subsistence and travel as provided by ~~law for~~
30 ~~other state officers~~ TITLE 38, CHAPTER 4, ARTICLE 2.

31 Sec. 8. Section 3-1201, Arizona Revised Statutes, is amended to read:

32 3-1201. Definitions

33 In this chapter, unless the context otherwise requires:

34 1. "Aquaculture" means the controlled propagation, growth and harvest
35 of aquatic animals or plants, including fish, amphibians, shellfish,
36 mollusks, crustaceans, algae and vascular plants.

37 2. "Associate director" means the associate director of the division.

38 3. "Division" means the animal services division of the Arizona
39 department of agriculture.

40 4. "Equine" means horses, mules, burros and asses.

41 5. "Livestock" means cattle, equine, sheep, goats and swine, except
42 feral pigs.

43 6. "LIVESTOCK OFFICER" MEANS AN ANIMAL HEALTH AND WELFARE OFFICER,
44 ANIMAL HEALTH AND WELFARE INSPECTOR AND SPECIAL INVESTIGATOR EMPLOYED BY THE
45 DEPARTMENT.

1 ~~6-~~ 7. "Poultry" means any domesticated bird, whether live or dead,
2 and includes chickens, turkeys, ducks, geese, guineas, ratites and squabs.

3 ~~7-~~ 8. "Range" means every character of lands, enclosed or unenclosed,
4 outside of cities and towns, upon which livestock is permitted by custom,
5 license or permit to roam and feed.

6 ~~8-~~ 9. "Range livestock" means livestock customarily permitted to roam
7 upon the ranges of the state, whether public domain or in private control,
8 and not in the immediate actual possession or control of the owner although
9 occasionally placed in enclosures for temporary purposes.

10 ~~9-~~ 10. "Ratite" means ostriches, emus, rheas and cassowaries.

11 Sec. 9. Section 3-1203, Arizona Revised Statutes, is amended to read:

12 ~~3-1203.~~ General powers and duties; civil penalties

13 A. The director or the director's authorized representative shall
14 exercise general supervision over the livestock interests of the state,
15 protect the livestock industry from theft and the livestock and poultry
16 industries from contagious and infectious diseases and protect the public
17 from diseased and unwholesome meat products.

18 B. The director ~~may~~, with the advice of the state veterinarian, ~~MAY~~
19 make rules to control and govern:

20 1. Importation of animals and poultry into the state, establishment of
21 quarantine and its boundaries, notice of quarantine and accomplishment of all
22 things necessary to effect the object of the quarantine and to protect the
23 livestock and poultry industries from and prevent the spread of contagious or
24 infectious diseases.

25 2. Slaughter of animals and poultry affected ~~with~~ BY contagious or
26 infectious diseases and disposition of carcasses of animals and poultry so
27 slaughtered, when the action appears necessary to prevent the spread of
28 contagion or infection among livestock and poultry.

29 3. Importation, manufacture, sale, distribution or use within the
30 state of serums, vaccines and other biologics intended for diagnostic or
31 therapeutic treatment of animals and poultry, and the importation,
32 manufacture or use of virulent blood or living virus of diseases affecting
33 animals and poultry.

34 C. The director may:

35 1. Enter into agreements with neighboring states, including agreements
36 regarding the use of livestock officers or livestock inspectors or other
37 agency resources for the purpose of enforcement of livestock laws within this
38 state or within border areas of neighboring states.

39 2. Waive inspections, service charges or inspection fees under this
40 chapter in cases the director deems advisable.

41 3. Direct employees or peace officers to execute the director's orders
42 under this chapter.

43 D. The director may adopt by rule a mandatory self-inspection program
44 for moving livestock from one location to another, and may provide for the
45 private treaty sale of self-inspected livestock. The associate director

1 shall monitor compliance with the requirements of the self-inspection program
 2 and shall periodically examine self-inspection records, including livestock
 3 inventory records that verify the origin, shipment or sale of livestock. For
 4 just cause the director may suspend or modify the self-inspection
 5 authorization of feedlots, dairies and producers. A person who knowingly
 6 violates the requirements of the self-inspection program shall be placed on
 7 administrative probation by the director for a period of one year. If a
 8 subsequent violation occurs during the period of probation, the person shall
 9 be brought before an administrative law judge and is subject to a civil
 10 penalty of two hundred dollars per violation, and the self-inspection
 11 authorization shall be revoked for a period of three years. The director may
 12 review any order of the administrative law judge and shall review each order
 13 involving subsequent violations during a period of probation pursuant to
 14 title 41, chapter 6, article 10. The period of a sanction imposed under this
 15 subsection begins on the date of determination of the violation at a
 16 hearing. Civil penalties imposed under this subsection shall be deposited,
 17 pursuant to sections 35-146 and 35-147, in the state general fund.

18 E. The director may establish a central investigation group to
 19 investigate reports of crimes related to livestock **AND OTHER VIOLATIONS OF**
 20 **THIS TITLE AND RULES ADOPTED PURSUANT TO THIS TITLE.** Livestock officers and
 21 other employees of the department shall report all cases of apparent crimes
 22 related to livestock to the associate director. The investigation group
 23 shall cooperate and coordinate its activities with appropriate federal, state
 24 and local law enforcement agencies in apprehending and prosecuting violators
 25 of livestock laws.

26 Sec. 10. Section 3-1207, Arizona Revised Statutes, is amended to read:

27 **3-1207. Cooperation with United States: confidentiality**

28 A. In addition to other powers and duties conferred ~~upon him~~ by law,
 29 the director may cooperate with the animal and plant health inspection
 30 service of the United States department of agriculture, or other agency of
 31 the United States vested with similar powers and duties, in:

32 1. The control of ~~foot and mouth disease, pleuro pneumonia,~~
 33 ~~rinderpest, surra and other~~ contagious or infectious diseases of animals, and
 34 contagious or infectious diseases of poultry.

35 2. **THE NATIONAL ANIMAL IDENTIFICATION SYSTEM.**

36 B. Inspectors of the animal and plant health inspection service may
 37 exercise all rights and authority granted to livestock officers, but they do
 38 not have enforcement powers granted to livestock officers.

39 **C. PREMISES REGISTRATION DATA, ANIMAL IDENTIFICATION DATA AND ANIMAL**
 40 **TRACKING DATA COLLECTED BY THE DIRECTOR PURSUANT TO THE NATIONAL ANIMAL**
 41 **IDENTIFICATION SYSTEM ARE NOT SUBJECT TO DISCLOSURE PURSUANT TO TITLE 39.**

42 Sec. 11. Section 3-1208, Arizona Revised Statutes, is amended to read:

43 **3-1208. Officers and inspectors: conditions of employment**

44 A. An ~~applicant for employment as a livestock~~ officer or inspector
 45 must ~~successfully complete, first, a written examination of the applicant's~~

1 HAVE knowledge of animal husbandry and livestock laws ~~and, second, a field~~
 2 ~~test of his knowledge of brands, breeds and livestock handling.~~

3 B. Within twelve months after employment, a livestock officer must
 4 successfully complete the law enforcement training course prescribed by the
 5 Arizona peace officer standards and training board in order to achieve
 6 permanent state employee status. THIS SUBSECTION DOES NOT APPLY TO ANIMAL
 7 HEALTH AND WELFARE INSPECTORS.

8 C. The director may authorize employment of livestock inspectors to
 9 inspect livestock on a full-time, part-time or seasonal basis. Livestock
 10 inspectors may exercise all rights and authority granted to livestock
 11 officers, but they do not have enforcement powers granted to livestock
 12 officers except as specifically provided by law.

13 D. The director may assign personnel from the office of inspections to
 14 perform any of the inspections prescribed by this chapter under the direction
 15 of the associate director.

16 E. Livestock officers and inspectors shall take the oath of office on
 17 employment.

18 Sec. 12. Section 3-1265, Arizona Revised Statutes, is amended to read:
 19 3-1265. Failure to rerecord as abandonment

20 All recorded brands or earmarks for which no application to rerecord
 21 has been made within ~~one-year~~ THREE YEARS following the due date for
 22 rerecording shall be deemed abandoned and no longer of record.

23 Sec. 13. Section 41-191.09, Arizona Revised Statutes, is amended to
 24 read:

25 41-191.09. Attorney general legal services cost allocation
 26 fund; contributions; exemptions

27 A. The attorney general legal services cost allocation fund is
 28 established for the purpose of reimbursing the department of law for general
 29 agency counsel. Monies in the fund are subject to legislative
 30 appropriation. The attorney general shall administer the fund.

31 B. Beginning July 1, 2006, all state agency appropriated and
 32 nonappropriated funds shall contribute a pro rata share of general agency
 33 counsel services provided by the department of law. The pro rata share is
 34 payable by payroll fund source, and the resultant amount shall be deposited
 35 in the attorney general legal services cost allocation fund. Beginning
 36 July 1, 2006, the pro rata share for each fund shall be 0.33 per cent of the
 37 total payroll. For the purposes of this subsection, "total payroll" includes
 38 federal monies, special revenue funds, intergovernmental revenue monies,
 39 trust funds and other payroll fund sources. Total payroll does not include
 40 any state general fund monies.

41 C. A claim for the pro rata share percentage payment shall be
 42 submitted according to the fund source, with the accompanying payroll, to the
 43 department of administration for deposit in the attorney general legal
 44 services cost allocation fund.

1 D. The following agencies are exempt from this section:

2 1. The department of water resources.

3 2. The residential utility consumer office.

4 3. The industrial commission.

5 4. The universities.

6 5. The auditor general.

7 6. The corporation commission.

8 7. The office of the governor.

9 8. The department of law.

10 9. The house of representatives.

11 10. The senate.

12 11. The joint legislative budget committee.

13 12. The Arizona state library, archives and public records.

14 13. The legislative council.

15 14. The department of administration risk management fund.

16 15. The department of transportation.

17 16. The Arizona game and fish department.

18 17. THE ARIZONA DEPARTMENT OF AGRICULTURE AND COUNCILS THAT RECEIVE
19 ADMINISTRATIVE AND BUDGETARY SERVICES FROM THE ARIZONA DEPARTMENT OF
20 AGRICULTURE.

21 ~~17.~~ 18. All self-supporting regulatory agencies as determined pursuant
22 to section 35-143.01.

23 E. Monies in the attorney general legal services cost allocation fund
24 are exempt from lapsing to the state general fund at the end of each fiscal
25 year.

26 Sec. 14. Transition

27 Section 3-582, Arizona Revised Statutes, as amended by this act, does
28 not affect the term or qualification of any incumbent member to serve on the
29 Arizona grain research and promotion council. Notwithstanding section 3-582,
30 Arizona Revised Statutes, the governor shall not appoint a replacement member
31 on the expiration of a term until the number of members serving on the
32 council is reduced to seven.

33 Sec. 15. Retroactivity

34 Section 41-191.09, Arizona Revised Statutes, as amended by this act,
35 applies retroactively to from and after June 30, 2006.